



750 Lindero Street
Suite 200
San Rafael
California 94901

Phone: 415/226-0815
Fax: 415/226-0816

www.tam.ca.gov

Belvedere
Sandra Donnell

Corte Madera
Diane Furst

Fairfax
Lew Tremaine

Larkspur
Joan Lundstrom

Mill Valley
Stephanie Moulton-Peters

Novato
Madeline Kellner

Ross
Michael Skall

San Anselmo
Ford Greene

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County of Marin
Susan L. Adams
Hal Brown
Charles McGlashan
Steve Kinsey
Judy Arnold

AGENDA

BICYCLE PEDESTRIAN ADVISORY COMMITTEE (BPAC)

WEDNESDAY, March 24, 2010

5:30 P.M. – 7:00 P.M.

**750 LINDARO STREET, SUITE 200
SAN RAFAEL, CA 94901**

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1. Call Meeting to Order
2. Committee Member Comments
3. Open Time for Public Expression
4. Adoption of Minutes from July 8, 2009 (Action) *
5. MTC Block Grant, including TDA Article 3 Funds (Action) *
6. Adjournment

* Includes attachment

BICYCLE PEDESTRIAN ADVISORY COMMITTEE (BPAC)

Minutes of July 8, 2009

BPAC Members Present: Ben Berto
Kristin Drumm
Don Magdanz
Ed Still
Nancy Weninger
Philip Hansen
Rocky Birdsey
Glenn Young

Staff Members Present: Dianne Steinhauser, TAM Executive Director
David Chan, TAM Programming Manager
Bill Whitney, TAM Capital Delivery Manager

1. Introductions

The BPAC Meeting was called to order at 5:40 p.m. Committee members and staff did self-introductions.

2. Committee Member Comments

No comments were noted.

3. Open Time for Public Expressions

No comments were noted.

4. Adoption of Minutes from July 8, 2009

Minutes of September 17, 2008 were erroneously labeled as September 17, 2009. Phil Hansen moved to adopt the minutes after the error is corrected and Kristen Drumm seconded the motion. The minutes were approved unanimously.

5. Status Report on TDA Article 3 Funds

David Chan provided a status report that additional TDA Article 3 funds in amount of \$1.05 million were programmed to the Puerto Suello Hill Project by the TAM Board . He explained that TAM submitted a request to Marin County DPW for \$1.05 million in NTPP funds for the Puerto Suello Hill Project in November 2008 to close the project's shortfall. DPW responded on December 9, 2008 with a letter denying TAM's request unless TAM could guarantee replacement funds. Because of the uncertainties on the Cal Park Tunnel Pathway Project, DPW did not want to commit \$1.05 million to the Puerto Suello Hill Project until all construction contracts have been awarded on the CalPark Hill Tunnel Project and any construction issues have been substantially addressed.

As a result, with a need still existing on the Hwy 101 Gap Closure Puerto Suello Hill project, staff requested the TAM Board to redirect the remaining TDA funds in the approximate amount of \$1.05 million to the Puerto Suello Hill Project. The TAM Board approved the reprogramming of TDA funds to the Puerto Suello Hill Project in January 2009.

Don commented that TDA funds should be programmed for Marin County's Major Bike Maintenance Projects since it is the only source eligible for maintenance. Rocky commented that the TAM Board should adopt a policy to use Measure A funds for maintenance. Dianne explained the differences between routine and major maintenance. Rocky asked if federal funds, such as ARRA, are eligible. Bill Whitney responded that such federal funds cannot be used for such purposes. Nancy commented that while the BPAC cannot take an action on what the TAM Board had already decided, she maintained that it is a priority of the BPAC to fund Marin County Major Bike Maintenance Projects. David responded that the TAM Board expressed the same sentiment and instructed staff to fund this project with other available funds, including future TDA funds. Ben commented that the Adult Offender Work Program can be a labor source for maintenance projects.

6. Discussion on MTC's Routine Accommodation

Bill Whitney explained the history and purpose of MTC's Routine Accommodation. He further explained on the process of the checklist.

Ben commented that the BPAC needs to be involved early in the process so the checklist needs to be completed and made available in the pre-design stage. He commented that the TAM BPAC should meet as a group to review and screen the checklists. Glenn Young commented that the design phase as being the ideal point where bike and pedestrian ideas can be beneficial. He further added that Novato has its own BPAC that review the checklists. He noted that if a local jurisdiction has its own BPAC and the local BPAC supports a checklist, the TAM BPAC should just review the checklist and sign off on it. If a local jurisdiction does not have a local BPAC, then the TAM BPAC can be more involved. Don commented that if there is a local BPAC, the local BPAC should be recognized, but he also noted that not all cities have a BPAC. Rocky asked if MTC will prevent funding a project if a sponsor doesn't respond to a BPAC. David commented that MTC will not get involved with local decision and expect the CMAs to work out local issues.

7. Adjournment

The meeting was adjourned at 6:50 p.m.



March 25, 2010

TO: Transportation Authority of Marin Board of Commissioners

FROM: Dianne Steinhauser, Executive Director

THROUGH: David Chan, Manager of Programming and Legislation

RE: Approve Programming Strategy and Projects for MTC's Block Grant Program,
Agenda Item 9

Dear Commissioners:

Executive Summary

The existing Federal Transportation Act, SAFETEA-LU, ended on September 30, 2009 and a new six-year surface transportation authorization act (New Act) will be enacted to follow SAFETEA-LU. MTC utilized policy and programming decisions derived thru the Regional Transportation Plan process to guide the use of new federal funds. The New Act funding is divided into two Cycles by MTC: Cycle 1 guides the programming of the first three year increment of federal funding (FY 2009-10, FY 2010-11 and FY 2011-12) and Cycle 2 establishes the funding estimate for the final three years (FY2012-13 through FY2014-2015).

MTC receives a share of federal funding for local programming. MTC developed a Block Grant approach, which delegates program management and project selection to the county congestion management agencies for three programs: the Local Streets and Roads Program (LSR), Regional Bicycle Program (RBP), and County Transportation for Livable Communities Program (TLC). MTC requested CMAs to submit a Strategic Plan by April 1, 2010, outlining their approach for programming their block grants as a preliminary step to final project selection by July 30, 2010.

On February 18, 2010, TAM issued a Multi-Fund Call for Projects associated with the anticipated new LSR, RBP, and TLC funds and annual TFCA and TDA Article 3 funds. TFCA and TDA Article 3 funds are annual programs that require separate application and evaluation processes. Since the timing of the Block Grant Program roughly coincides with the application processes of TFCA and TDA funds, TAM has decided to merge these funding sources into one Call for Projects to alleviate administrative burdens for applicants.

By the deadline of February 25, 2010, TAM received project applications as listed in Attachment A for LSR, RBP, TLC, and TDA funds. After careful consideration, and consultation and concurrence with the Marin Public Works Association, staff submits the attached recommended programming. Note the TAM Bike Pedestrian Advisory Committee is convening March 24th to review the staff recommendations. TAM staff will bring input from the BPAC to the TAM board meeting.

Attachment A summarizes the proposed programming strategy and projects. Please also note details of each program outlined below.

Recommendation: Approve programming and projects for MTC's Block Grant Program, as shown in Attachment A, including a commitment to program remaining Cycle 1 funds, likely swapped into future Cycle 2 RBP funds to the Central Marin Ferry Connection Project. Authorize submittal of the Block Grant Strategic Plan to MTC no later than April 1st, 2010.

Background

With the close of SAFETEA-LU on September 30, 2009, an overall architecture was called for to guide upcoming programming decisions for the new six-year surface transportation authorization act (New Act) funding. MTC utilized policy and programming decisions derived thru the Regional Transportation Plan process to guide the use of new federal funds. The New Act funding is divided into two Cycles by MTC: Cycle 1 guides the programming of the first three year increment of federal funding (FY 2009-10, FY 2010-11 and FY 2011-12) and Cycle 2 establishes the overall framework and funding estimate for the final three years (FY2012-13 through FY2014-2015). Until this legislation is enacted, the next one or two years of funding will be authorized through extensions of the current act. The current extension is through December 2010.

MTC receives a share of federal funding for local programming. Among the various transportation programs established by SAFETEA, MTC has discretion over regional Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) Program funds. MTC developed a Block Grant approach, which delegates program management and project selection to each county Congestion Management Agency for three programs: the Local Streets and Roads Program (LSR), Regional Bicycle Program (RBP), and County Transportation for Livable Communities Program (TLC). The objective of the block grant is to provide additional flexibility. STP and CMAQ funds are used to fund the three individual programs in the Block Grant Program.

MTC requires that 50% of the federal funds from this Block Grant Program must be programmed and delivered in each of the FY 10/11 and FY 11/12 years. Up to 4% may be used by CMAs for planning activities to be deducted from all Block Grant programs within the county. MTC also requires that the minimum grant amount programmed for a project be \$250,000 for all counties, including small counties such as Marin.

MTC have requested the CMAs to submit a Strategic Plan by April 1, 2010, outlining their approach for programming their block grants. MTC will consider Strategic Plan approval beginning in their April meeting cycle. Final project selection must be done by July 30, 2010.

Call for Projects

On February 18, 2010, TAM issued a Multi-Fund Call for Projects associated with the anticipated new LSR, RBP, and TLC funds along with other TAM fund sources, annual TFCA and TDA Article 3 funds. TAM has approximately \$450,000 in TFCA funds and \$320,000 TDA Article 3 funds. TFCA and TDA Article 3 funds are annual programs that require separate application and evaluation processes. Since the timing of the Block Grant Program roughly coincides with the

application processes of TFCA and TDA funds, TAM decided to merge these funding sources into one Call for Projects to alleviate administrative burdens for applicants. While TFCA and TDA Article 3 funds are separate from the Block Grant Program, these funds may be used to piece together funds for a larger project.

Local Match

Project sponsors were informed that projects funded with LSR and RBP funds require a non-federal local match of 11.47% of the total project cost. FHWA will reimburse up to 88.53% of the total project cost. Projects funded with TLC funds require 20% match for the county TLC programs.

Projects Received

By the deadline of February 25, 2010, TAM received project applications as listed in Attachment A for LSR, RBP, TLC, and TDA funds. No viable applications were submitted for TFCA funds so this category was removed from the Programming Strategy. Given that TAM has until the end of the calendar to program TFCA funds, it is not a necessity to program TFCA funds with the MTC federal fund Block Grant at this time. Sponsors will have another opportunity to submit TFCA applications after the federal fund Block Grant process concludes.

Local Streets and Roads (LSR) Shortfall Program

As shown in Attachment A, \$2,337,506 is available under the LSR Program to assist jurisdictions with local streets and roads maintenance. LSR funds are distributed under a formula developed by MTC's Local Streets and Roads Working Group and the Partnership Board, and adopted as part of MTC's programming guidelines in December 2010. The allocation formula contains four factors, weighted 25% each, including population, lane mileage, arterial and collector shortfall, and preventive maintenance performance. The targeted amounts for each jurisdiction are shown in Attachment A.

Given that MTC imposed a \$250,000 minimum grant size, it was impossible for small agencies to meet this requirement even if funds from Cycle 2 were combined with Cycle 1. Seven agencies in Marin receive less than \$100,000 per cycle.

San Rafael offered to exchange LSR funds with local funds for agencies willing to accept a 20% discount for the transaction. For every LSR dollar San Rafael receives from an agency, the agency would receive 80 cent in local funds from San Rafael. Through a series of discussions among the Public Works Directors, eight agencies agreed to the exchange. The eight agencies will forgo \$500,273 in LSR funds in return for \$400,219 in local funds. TAM would program an additional \$500,273 in LSR funds to San Rafael's Street Resurfacing Project.

Mill Valley has less than \$250,000 available in LSR funds and elected not to participate in the exchange. Staff has requested MTC to grant an exception for Mill Valley and MTC has verbally agreed to the exception since we were able to avoid the minimum grant size for the other small agencies through the exchange.

Flex Provision

Up to 20% of each program's funds may be flexed from one Block Grant program to fund another in order to recognize practical project delivery considerations and unique county priorities. CMAs can request flexibility beyond the 20% through their Strategic Plan for consideration by MTC.

TAM staff recommends exercising the 20% flexibility rule as outlined below. Over the last two months, our local public works staff has been diligently working to develop projects for the anticipated next round of Stimulus funds. In concert with FHWA, Caltrans and MTC, Marin has \$4.8 million in ready-to-go local road rehab projects. MTC has been warning CMAs that the Local Streets and Roads funds from the Stimulus II package will be less than originally anticipated. TAM has already worked diligently with Marin agencies to develop a list of projects for an amount conveyed by MTC when the process started. These projects have already received field review from Caltrans and are considered "shovel-ready." In anticipation of reduced funding, MTC has requested CMAs to not proportionally reduce each project's funding. Rather, MTC has asked CMAs to eliminate some projects entirely to match whatever funding will be available.

Staff has not developed a priority system to rationally eliminate entire projects from the current list. Given the amount of work that each agency has invested to get its project ready, staff is proposing to flex 20% from RBP and 20% from TLC for LSR projects in case Stimulus II funding is reduced for local streets and roads. Flexing 20% from the RBP and TLC programs would yield \$510,600 to make up for the Stimulus II shortfall. If there is not shortfall or the funds are not needed, the flex funds would be returned to their respective categories. In the case of TLC, returned funds would be added to Marin County's project.

Regional Bicycle Program Funds

Projects eligible for RBP funds must be part of the Regional Bikeway Network or as incorporated into the network through the update process. Eligible projects are capital in nature.

After 20% of RBP funds are flexed to the LSR Program, \$1,266,400 is available for projects. Two applications were received from Sausalito. One application from Sausalito was denied because it was purely a planning project that is ineligible for RBP funds. The other application for \$173,000 will be submitted for funding. As well, staff considered the use of the funds for the pending cost increases on the Central Marin Ferry Connector (CMFC) project.

With \$1,093,400 remaining, staff recommends programming these funds to the Central Marin Ferry Connection project. With these funds having to be obligated no later than FY 2011/12, it may be difficult for the CMFC project to meet this deadline for use of the funds. As an option, TAM has been working to exchange the funds with another CMA, dollar for dollar. This means TAM would program its now funds to a project in another County, and they would guarantee their later funds to TAM when it needs those funds for the CMFC construction. TAM would receive the amount of RBP funds from that CMA's Cycle 2 funds.

Staff will have an update to this swap process for the TAM Board to consider at their March 25th meeting.

County Transportation for Livable Communities (County TLC) Program

Per guidelines adopted by MTC, County TLC projects must be TLC eligible and in a planned or potential "Priority Development Area" (PDA). Unlike LSR funds, County TLC funds have no targeted distribution for each agency. There are three planned or potential PDA's in Marin County. Only agencies with a PDA in their jurisdictions can be recipients of County TLC funds.

Since only Marin County and San Rafael have PDAs within their jurisdictions, only Marin County and San Rafael are eligible recipients of TLC funds.

After 20% of TLC funds are flexed to the LSR Program, \$770,000 is available for projects. Marin County submitted the only application to implement bicycle and pedestrian improvements in its PDAs.

TDA Article 3

TDA Article 3 funds are state funds that can be used to fund bicycle or pedestrian projects, including capital construction of facilities, bicycle safety education programs, and comprehensive bicycle or pedestrian facilities plans.

In mid-2008, the TAM Board dedicated a substantial share of TDA Article 3 funds to the major maintenance needs of the Class 1 bike/pedestrian system in Southern Marin maintained by Marin County Parks and open Space. These funds were later redirected to the gap Closure funding shortfall for the Puerto Suello Hill bike/pedestrian facility due to cost increases and the unavailability of any other funds, including NTPP. When the TAM board agreed to the redirection, it asked that staff try to identify future funds to backfill the major maintenance needs. The TAM board first identified TDA Article 3 as being suitable for major maintenance when it considered bike/pedestrian path maintenance policy in June 2006. At that time, the board agreed to consider future use of TDA funds for major maintenance. There are very few fund sources for major maintenance of bike/pedestrian facilities.

Only one application was submitted for the available TDA Article 3 funds by Marin County. As noted, Marin County's Multi-Use Pathway Major Maintenance project was previously approved by the TAM Board for TDA funds in 2008, but the funds were diverted to the Highway 101 Gap Closure Project. Programming the currently available TDA funds to Marin County's Multi-Use Pathway Major Maintenance project would be consistent with TAM's commitment to fund this project when the original funds were diverted.

Marin Public Works Association (MPWA)

On March 18, 2010, staff presented the proposed programming strategies to the MPWA at its regularly scheduled meeting. While procedural questions regarding certain funds were discussed, no objections to the programming strategies were raised.

Bicycle Pedestrian Advisory Committee (BPAC)

Project sponsors are required to submit a MTC Routine Accommodation checklist for each application submitted for the Block Grant. The Routine Accommodation checklist is intended for use on projects at their earliest conception or design phase so that any pedestrian or bicycle consideration can be included in the project budget. Under MTC's policy, Routine Accommodation checklists are made available for CMAs' BPACs to review.

Project sponsors have been requested to complete Routine Accommodation checklists for their projects by March 19, 2010. The checklists will be made available for the BPAC at its March 24th meeting. The BPAC will also be asked to review Sausalito's RBP application for inclusion on the Regional Bikeway Network (RBN) as a prerequisite for funding as the project is not currently on the RBN. Results of the BPAC meeting will be reported at the TAM Board meeting on March 25th.

Recommendation

Approve programming and projects for MTC's Block Grant Program, as shown in Attachment A, including a commitment to program remaining Cycle 1 funds, likely swapped into future Cycle 2 RBP funds to the Central Marin Ferry Connection Project. Authorize submittal of the Block Grant Strategic Plan to MTC no later than April 1st, 2010.

Attachment A: Multi-Fund Programming Strategy

ATTACHMENT A

Multi-Fund Programming Strategy

Local Streets and Roads (LSR)

Agency	Available	Proposed Project(s)	Proposed	Swap	Swapped with San Rafael	Received from San Rafael
Marin County	838,836	Southern Marin Road Rehabilitation: Laurel Grove Avenue (Makin Grade to SFD) and Ricardo Road (Reed to Belvedere Dr.)	838,836	No		
Belvedere	22,614	Beach Road Slurry Seal		Yes	22,614	18,091
Corte Madera	71,245	Tamalpais Drive Curb Ramp Improvements		Yes	71,245	56,996
Fairfax	61,286	Bolinas Road Resurfacing (Broadway to Elsie)		Yes	61,286	49,029
Larkspur	73,194	Ward Street Resurfacing (Magnolia to Vine)		Yes	73,194	58,555
Mill Valley	123,036	Edgewood Avenue Resurfacing (Molino to Marion)	123,036	No		
Novato	356,849	Highway 101 Interchange Access Improvements: De Long Avenue (Adrienne to Railroad crossing), Ignacio Blvd (Hwy 101 to Alameda Del Prado), Enfrente (Salvatore to Ignacio), Alameda Del Prado (Ignacio to city limit), Redwood Blvd (near Rowland)	356,849	No		
Ross	18,614	Laurel Grove Slurry Seal (SFD to Town limit)		Yes	18,614	14,892
San Anselmo	103,816	Madrone Avenue (Center to SFD)		Yes	103,816	83,053
San Rafael	518,510	Citywide Street Resurfacing: Fifth Avenue Resurfacing (B to H Streets), Redwood Highway Resurfacing (Smith Ranch to Mitchell), Bellam Blvd Resurfacing (Woodland to I-580 Ramps), Bellam Blvd Resurfacing (Kerner to Windward Way), D Street Resurfacing (Antonette to Second), and Mission Avenue Resurfacing (Union to H Streets) - Total cost \$1.2 milion	518,510	No		
	0	San Rafael's Swapped Funds Received	500,273			
Sausalito	78,252	Glen Drive Resurfacing (Johnson to Santa Rosa)		Yes	78,252	62,602
Tiburon	71,250	Beach Road Resurfacing (Main to Mar West)		Yes	71,250	57,000
	2,337,506	Subtotal	2,337,506		500,273	400,219
		Flexed Funds from RBP and TLC	510,600			
		Total	2,848,106			

Regional Bicycle Program (RBP)

Agency	Available	Proposed Project(s)	Proposed	Notes
Countywide	1,583,000			
		Flex to LSR (Up to 20% of each program's funds may be flexed from one funding source to another.	316,600	If flexed funds are not needed, funds would be added to unallocated funds.
Sausalito		Sausalito South Bike Path Plan	0	Planning projects are not eligible
Sausalito		Signal Modification to Accommodate Bicycle Traffic	173,000	
TAM		Central Marin Ferry Connection	1,093,400	Swapped with another CMA
		Total	1,583,000	

Transportation for Livable Communities (TLC)

Agency	Available	Proposed Project(s)	Proposed	Notes
County PDAs	970,000			
		Flex to LSR (Up to 20% of each program's funds may be flexed from one funding source to another.	194,000	If flexed funds are not needed, funds would be programmed to Marin County's PDA projects.
Marin County		Marinwood, Greenbrae, Strawberry, and Marin City Bicycle and Pedestrian Improvements (installing curb ramps, removing vegetation, enhancing sidewalks, installing bike lanes, and improving signals for bikes and pedestrians)	776,000	
		Total	970,000	

Transportation Development Act (TDA) Article III

Agency	Available	Proposed Project(s)	Proposed	Notes
Countywide	320,649			
Marin County		Multi-Use Pathway Major Maintenance, Phase 1	320,649	Previously TAM approved project.
		Total	320,649	